REMARKS

All claims have been amended to describe the lubricants of the invention as a material for lubricating a surface as set out in the last paragraph on page 30 of the written description. Applicant has also amended the rejected claims to include a material for lubricating a surface comprising a solid or particulate inorganic lubricant optionally with an organic lubricant, or water, or lubricant additive. The written description supports the organic lubricants at pages 6-14 and the paragraph bridging pages 25-26, water at page 24, first full paragraph, lubricant additives in the claims as originally filed, and mixtures at page 23, penultimate paragraph, and previously presented claim 29 inter alia.

The amendments to claims 32 and 38 add the inorganic lubricants zinc phosphate, iron phosphate and manganese phosphate, which claim 40 supports. The additional amendment to claim 32 adds graphite as a lubricant, which claim 38 supports. The amendment to claim 40 adds tricresyl phosphate as a "phosphate" lubricant supported at page 8, first and second paragraphs, and the paragraph bridging pages 9 and 10 of the written description.

THE REJECTION UNDER 35 U.S.C.§ 103 (a) AND TRAVERSE

The examiner rejects claims 29-31, 33, 34, 38, 41-43, 45-50, 67 and, 68 under 35 U.S.C. § 103(a) as unpatentable over Freeman, United States Patent 5,218,011 in

view of Le-Khac, United States Patent 4,616,063. Applicant traverses the rejection and requests further consideration and reexamination.

The amendments of the rejected claims specify a material for lubricating a surface comprising a solid or particulate inorganic lubricant optionally with an organic lubricant or water, or a lubricant additive, and mixtures thereof. The particulate inorganic lubricant distinguishes Freeman who does not teach a lubricating composition, and importantly does not teach inorganic lubricants. Freeman describes the use of inorganic materials such as silica, clays, including bentonite and hectorite, (col.8, lines 9 et seq.)with "gel matrices" based on petroleum gels, glycols and mineral oils inter alia (col. 7, lines 19 et seq.). Even though the art classifies silica and clays (e.g. bentonite and hectorite), as inorganic materials they have no lubricant properties, but quite the opposite. Industry uses them as abrasives as well as fillers or inerts as does Freeman.

OBJECTIONS TO THE CLAIMS

The examiner objects to the balance of the claims but indicates she would allow them if written in independent form so as not to depend on rejected base claims and if they included the parameters of the base claims or any intervening claim. Applicant has made these amendments based on the claims in the application as of the examiner's September 7, 2004 Office Action.

CONCLUSIONS

Applicant requests the Examiner to withdraw the rejections in view of the foregoing amendments and remarks and pass the application to issue.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: _____
Robert J. Eichelburg
Reg. No. 23,057

Dated: September 28, 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 C.F.R. § 1.8 on the date indicated below and is addressed to the Commissioner for Patents, P.O. BOX 1450, Alexandria, Virginia 22313 -1450

Dated: September 28, 2004 By: _____
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